

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MICHAEL A. RIVERA	:	
	:	CIVIL ACTION
v.	:	
	:	NO. 15-5609
CHESTER COUNTY, et al.	:	

ORDER

AND NOW, this 28th day of March, 2017, upon consideration of (1) the motion to dismiss by defendants County of Chester, Cpl. Michael Marconi, Correctional Officer (CO) Troy Daniels, Sgt. Yaroslav Yancik, CO Wilson, CO Valerie McCormack, CO Joseph Moore, Cpl. Preston Whitesell, Cpl. Jose Garcia, Lt. P. Steve Sergi, Lt. David Ham, Lt. Edson Forbes, Capt. Morgan Taylor, Warden D. Edward McFadden, Capt. Harry Griswold, Lt. Robert Mastnjak, Sgt. Donald Muller, Sgt. Golden English, CO Randy Little, CO Kenneth Klinger, CO David Haines, Capt. Ocie Miller, Capt. Pamela Saunders, Capt. Gene Farina, Major D. Scott Graham, CO Powers, Deputy Warden Walter Reed, Counselor Jorge Vazquez, CO Weed, Corporal Ca'role White, Lt. James Brooks, Sgt. Michael Young, Sgt. Arnold Lynch, CO Raymond Riggins (and/or Riggins), CO (CEU) Tear, Director of Treatment Services Jack Healy, Corporal James Svah, CO Jesus Ruiz, CO Domonique Bemberly, CO Wesley Suydum, CO Weed, Officer Stevenson, Work Supervisor Robert Francis, Chester County Detectives Office, Detective Robert Balcunis, Detective David Grandizio and Detective Ken Beam (collectively, the "Chester County defendants"), Dkt. No. 90; (2) the motion to dismiss by defendants PrimeCare Medical, Inc., Staci Suzuki, Psy.D., John P. Fraunces, Ed.D., Karen Murphy, RN, CCHP, Molly Longare, PA-C., Megan Hughes, PA-C, Briana Culp, PA-C, Corey Cotton, LPN, Mabel Moiyallah, MA and

Nurse Lisa (collectively, the “medical defendants”), Dkt. No. 91; (3) the motion to dismiss by defendants New Garden Township PD and Officer Matthew Jones, Dkt. No. 92; and (4) the motion to dismiss by defendants East Vincent Township PD and Chief Matthew Williams, Dkt. No. 95, and plaintiff’s consolidated response to these motions, Dkt. No. 98, it is ORDERED as follows:

1. The Chester County defendants’ motion is DENIED as to plaintiff’s claims of excessive force against Cpl. Marconi, CO Daniels, Sgt. Yancik, Cpl. Whitesell, CO Moore and Cpl. Garcia, Am. Compl. ¶¶ 20, 22–24, 41–44, and as to plaintiff’s claims of failure to protect against CO Moore and Cpl. Garcia, Am. Compl. ¶¶ 45–46, but GRANTED as to all other claims against the Chester County defendants.
2. The medical defendants’ motion is GRANTED.
3. New Garden Township PD and Officer Matthew Jones’s motion is DENIED as to plaintiff’s claim of excessive force against Officer Jones, Am. Compl. ¶ 2, but GRANTED as to all claims against New Garden Township PD.
4. East Vincent Township PD and Chief Matthew Williams’s motion is DENIED as to plaintiff’s claim of excessive force against Chief Williams, Am. Compl. ¶ 3, but GRANTED as to all claims against East Vincent Township PD.
5. The remaining defendants shall file an answer to the remaining counts of plaintiff’s amended complaint within twenty (20) days from the date of this order.

/s/ Thomas N. O’Neill, Jr.

THOMAS N. O’NEILL, JR., J.